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CGNE-62-1

APPLICATION FOR UNITED STATES LETTERS PATENT
DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

FIGWORT PLANT PROMOTER AND USES

the specification of which is attached hereto, and which application was filed in the United States Patent and Trademark Office on or about November 3, 1989, having Attorney Docket No. CGNE 62-1, and (if already assigned and known by undersigned) the Serial Number designation 07/431,429, which application is a continuation-in-part of U.S. application Serial No. 07/404,283 filed on September 7, 1989.

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, and including any amendments filed concurrently with the application papers.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim benefit under the Paris Convention and 35 USC 119 of the priority of the following previously filed application(s):

| <u>Country</u> | <u>Serial Number</u> | <u>Filing Date</u> |
|----------------|----------------------|--------------------|
|----------------|----------------------|--------------------|

No application to the invention of the present application was filed in any foreign country prior to the above application(s).

I hereby claim the benefit under Title 35, United States Code, 120 of each United States application listed at the beginning of the specification and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, 112, I acknowledge the duty to disclose material information as defined in the Title 37, Code of Federal Regulations, 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

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I hereby appoint Elizabeth Lassen, Reg. No. 31,845 as my attorney of record/agent with full power of substitution and recovation to prosecute this application and to transact all business in the Patent Office.

All further correspondence should be addressed to:

661 Calgene, Inc.
1920 Fifth Street
Davis, CA 95616
Telephone: (916) 753-6313

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: Luca Comai ⁴⁰¹⁰⁰

Inventor's Signature: Luca Comai Date 12/1/89
Residence and Post: 414 N.W. 45th Street
Office Address Seattle, WA 98107
Citizenship: Italy ^{WA}

Full Name of Inventor: Margaret P. Sanger ⁴⁰²⁰⁰

Inventor's Signature: M. Sanger Date 12/1/89
Residence and Post: 307 Grande Avenue
Office Address Davis, CA 95616
Citizenship: USA ^{CA}

Full Name of Inventor: Stephen Daniel Daubert ⁴⁰³⁰⁰

Inventor's Signature: Stephen D. Daubert Date 12/20/89
Residence and Post: 130 Ipanema Place
Office Address Davis, CA 95616
Citizenship: USA ^{CA}



CGNE-62-1

Applicant or Patentee: Comai et al.

Serial No. 07/431,429, filed November 3, 1989

Patent No. _____, issued _____

For: FIGWORT PLANT PROMOTER AND USES

VERIFIED DECLARATION OF SMALL ENTITY STATUS
UNDER 37 CFR SECTIONS 1.9(f) & 1.27(c)
(SMALL BUSINESS CONCERN)

I hereby declare that I am:

- ☐ the owner of the small business concern identified as:
☒ an official of, and am empowered to act on behalf of the
small business concern identified as:

CALGENE, INC.

a Delaware Corporation, having its principal place of business at
1920 Fifth Street, Davis, California, 95616.

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under 35 USC 41(a) and (b), in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled

FIGWORT PLANT PROMOTER AND USES

by inventor(s) Luca Comai, Margaret Sanger, Stephen Daubert in:

- ☐ the Specification filed herewith
☒ Application Serial No. 07/431,429, filed November 3, 1989
☐ Patent No. _____ issued _____.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person other than the

inventor who could not qualify as a small business concern under 37 CFR 1.9(d), or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or as a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: The Regents of the University of California

ADDRESS: 300 Lakeside Drive, 22nd Floor, Oakland, CA 94612

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☒ NONPROFIT ORG.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

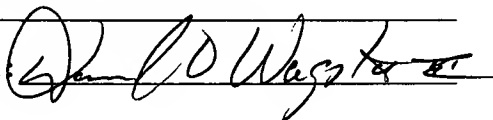
Name of person signing:

Title of person other than Owner:

Address of person signing:

DANIEL O. WAGSTER, II
VICE PRESIDENT FINANCE
1920 5TH ST
DAVIS, CA 95616

Date: 12/28/89

Signed: 

MAIL ROOM
Applicant or Patentee: DAUBERT, Stephen et al. Docket No. CGNE-62-1
Serial of Patent No.: 431,429
Filed or Issued: 1990 November 3, 1989
For: FIGWORTH PLANT PROMOTER AND USES

MAIL ROOM
46 JAN 9 1990
VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
[37 CFR 1.9(f) and 1.27(d)] - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: The Regents of the University of California
ADDRESS OF ORGANIZATION: 300 Lakeside Drive, 22nd Floor
Oakland, CA 94612-3550

TYPE OF ORGANIZATION

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
☒ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE [26 USC 501(a) and 501(c) (3)]
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OR THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE [26 USC 501(a) and 501(c) (3)] IF LOCATED IN THE UNITED STATES OF AMERICA
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) or (b) of Title 35, United States Code with regard to the invention entitled FIGWORTH PLANT PROMOTER AND USES

by inventor(s) Stephen Daubert, Margaret Sanger and Luca Ccmal described in

- ☐ the specification filed herewith
☒ application serial no. 431,429, filed November 3, 1989
☐ Patent no. _____, issued _____

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention. (except for a license to a Federal Agency pursuant to U.S.C. 202 (c) (4)).

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27).

NAME CALGENE, INC.
ADDRESS 1920 Fifth Street, Davis, California 95616
☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME
ADDRESS
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28(b)]

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 USC §1001, and may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Valentin Fikovsky
TITLE IN ORGANIZATION Senior Licensing Associate, Patent, Trademark & Copyright Office
ADDRESS OF PERSON SIGNING 300 Lakeside Drive, 22nd Floor,
Oakland, California 94612-3550

SIGNATURE Valentin Fikovsky DATE 12/27/89